

REMARKS

Applicants have studied the Office Action of May 22, 2001 ("Office Action") and made amendments to the claims. It is respectfully submitted that the application, as amended, is in condition for allowance. Claims 1-3, 6, 9-13, and 36-40 are pending in the present application. Claim 1 has been amended and claims 36 - 40 have been canceled without prejudice or disclaimer. Reconsideration and allowance of the claims in view of the above amendments and the ensuing remarks are respectfully requested.

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), stating that, with respect to the "additional capillary as recited in claim 40," there "is no figure which disclose [sic] a third capillary which removes solution from a reservoir." The applicant has canceled claim 40, and on these grounds respectfully requests that the Examiner withdraw the objection under § 1.83(a).

The Examiner rejected claims 6, 37 and 40 under 35 U.S.C. §112, ¶1, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Examiner stated that the specification does not support the claim language, "wherein at least one capillary tube transfers liquid between said plurality of first and second containers." Claims 37 and 40 have been cancelled. Applicant respectfully submits that claim 6 is supported in light of the amendment made to claim 1, and on these grounds respectfully requests that the Examiner withdraw the rejection under § 112, ¶ 1. *(Signature)*

In response to Examiner's rejection under 35 U.S.C. §112, ¶2, claim 1 has been amended to more specifically define that which Applicants regard as their invention. Amended claim 1 is now drawn to a liquid-handling system comprising a first container, a second container, a

pressure-tight housing that encases the first container, a capillary tube extending between the first and second containers, and a computer-controlled pressure-altering device used to drive liquid through the capillary, between the first and second containers. The term "near" is readily understood by those skilled in the art to mean sufficiently close to be submerged in any liquid but not so close as to be touching the bottom. Support for this amendment can be found in the Specification at page 8, lines 4-7, 9-15, 21-23 and 25-27, at page 10, lines 1-2, and in FIG. 1, No. 101.

The Examiner rejected claims 1-3, 6, 9-13 and 37-40 under 35 U.S.C. §103(a) as being unpatentable over either of Wilson et al. or Citrin (USP 4,342,407). Claims 37 - 40 have been cancelled. Claim 1 has been amended to recite the limitation, "whereby solutions are deposited and removed in either direction from a container having at least two capillaries, including the deposit of two or more solutions to be mixed and removal of a resulting mixture." In a telephonic interview on November 28, 2000, the Examiner referred to the foregoing as patentable subject matter, and indicated that claim 1 would be allowable were it to incorporate this subject matter. The Applicant has amended claim 1 to incorporate this subject matter, and respectfully submits that claim 1 is therefore allowable. Because claim 1 should be allowable, the applicant respectfully submits that claims 2-3, 6, and 9-13 should be allowable, as well.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Entry of the amendment, and reexamination and reconsideration of the application, as amended, are respectfully requested, as is allowance of all claims at an early date.

Applicant's attorney respectfully requests an interview with the Examiner handling the present patent application in the event that this case is not now considered to be entirely in condition for allowance.

If it should be determined, for any reason, that an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this amendment to the present application to Deposit Account No. 03-3975.

Respectfully submitted,

PILLSBURY MADISON & SUTRO LLP

Date: August 22, 2001

By:



Richard H. Zaitlen
Registration No. 27,248
Attorney for Applicant(s)
725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

APPENDIX

Claim 1 has been amended as follows:

1. A liquid-handling system for transferring liquid back and forth from at least one first container to at least one second container, comprising:

a first container;

a second container;

a housing encasing the first container in a pressure-tight manner;

[at least two] a capillary [tubes] tube having predetermined length and a predetermined internal diameter, wherein a first end of the tube is positioned near the bottom of the first container, wherein the tube extends through the housing, terminating in a second end positioned at or above the second container; and,

a computer-controlled pressure altering device, attached to the housing in a pressure tight manner, that changes the pressure within the housing relative to the pressure outside the housing;

wherein the pressure-altering device applies a pressure differential that [transfers liquids]
causes liquid contained in either the first container or the second container to be transferred
through the capillary tube; and

whereby solutions are deposited and removed in either direction from a container having
at least two capillaries, including the deposit of two or more solutions to be mixed and removal
of a resulting mixture [two or more capillaries].